

**TOWN OF DARIEN
BOARD OF SELECTMEN
DRAFT MINUTES
REGULAR MEETING
TUESDAY, DECEMBER 8, 2009**

ATTENDANCE: Acting 1st Selectman David Bayne; Jayme Stevenson;
Gerald Nielsen, Jr.; Callie Sullivan

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Robert Steeger, Public Works Director;
Jan Pierret; John Schlachtenhaufen

CALL TO ORDER

Acting 1st Selectman Bayne called the meeting to order at 8:00 p.m.

PUBLIC COMMENT

The following public comment is summarized and is not to be considered verbatim.

Ms. Jan Pierret, Fairfield Avenue, spoke about the DHA and the AON property. She said she felt it was necessary to address the truth about the public meetings and the communication to the public. She said that meetings were not publicized. The DHA meetings do not allow public input, with the exception of the April 2008 meeting, two public hearings in July, and one public hearing in November. When the AON website was updated, then their annual meeting schedule was finally posted on the DHA website. The November public hearing was held after the plan was submitted to P&Z. She said the voice of the community is missing from the project. The project needs support, not strife. The members of DHA should embrace the neighbors. She said that the Chief Administrative Officer of CHFA, Ms. Susan Whitestone, confirmed for Ms. Pierret that Mr. Arthur Anderson does not sit on the CHFA Board, as Ms. Schwartz had reported at an earlier meeting.

Ms. Pierret said that the newly formed Noroton Heights Alliance has been put in place to do what is best for the neighborhood and the Town of Darien. The Noroton Heights Alliance website, www.norotonheightsalliance.com, has been created to serve as a resource for the Allen O'Neill redevelopment project.

**REPORT FROM ROBERT STEEGER, PUBLIC WORKS DIRECTOR,
REGARDING HEIGHTS ROAD DRAINAGE**

Mr. Steeger said that his flood report is restricted to the Heights Road situation. He highlighted the important points from the summary that he distributed.

- All engineering and design work on the Baker Park option has been suspended.
- The lawsuit filed against the Town by the owners of the buildings in the Heights Road flooding area has been withdrawn.
- The DEP permit process is proceeding. As of November 23, all of the briefs had been submitted and the whole process is now in the hands of the hearing officer. The process could take until July of 2010, or longer.

He said they are going to start a review of the alternatives. The purpose of the review, once the concept of designing for the 1% or the 100 year flood is set aside, is to instead evaluate options and alternatives in terms of the level of flood protection that they can achieve vs. the cost of the improvements. The goal is to seek a less construction-intensive solution that basically confines the construction to the Heights Road area. The review will include the removal of the sewer main from the railroad culvert, detention under Heights Road, detention under the Stop & Shop property, possible diversion of storm water away from the Heights Road area, and combinations of the above. The work should be getting underway in the next two weeks. There are surplus funds remaining in the contract with the consultants. They are in the process of finalizing the amount of surplus funds and scoping out a review of the alternatives.

Ms. Sullivan asked if an engineering study had been done about 5 years ago to review removing the sewer drain from the culvert. Mr. Steeger said that at the time, the conclusion was that it would not have a major effect but it would produce some kind of benefit. Ms. Sullivan thought the benefit was an approximate 11% increase of flow through the drain, which would still have an enormous amount of water on Heights Road. Mr. Steeger said the combination of things won't get them up to the 1% storm; he said the question is how far does it get them. He said they are currently going over the various models. Ms. Sullivan asked why they appeared to be scaling back from the ultimate goal; why did they shift from looking at the 100 year storm to not looking at it now. He said that it is a concept that they should discuss together as a Board, and that it was the direction that was given to him by the 1st Selectman.

Mr. Steeger said that some of the alternatives may not require a DEP permit. A DEP permit is needed whenever there is a change in the instantaneous flow. They will still need a retention pond if the sewer pipe is taken out. He said the two large storms that occurred prior to the storm in October of 2007 did not leave water in buildings.

Mr. Bayne confirmed that the charge is to look at various alternatives and then have them presented back to the Board of Selectmen. He also confirmed with Mr. Steeger that they are not withdrawing the Baker Field application.

Ms. Sullivan asked why they were reviewing this same information when they already had it. Mr. Steeger said they were told this was the preferred alternative for a 100 year storm.

Mr. Bayne confirmed that of the 11 alternatives sent to the DEP, all were proposed by the Town and reviewed by the DEP. Mr. Steeger said this is the one alternative they think meets the criteria. Ms. Sullivan asked to have a listing of the alternatives, based on the existing application, that the DEP didn't recommend, and why. Mr. Steeger said they already have a list of the alternatives the design team recommends, including the plusses and minuses, on each one of the alternatives in the application. The DEP acts on the preferred alternative that meets the criteria for granting the permit.

Mr. John Schlachtenhaufen, Beech Hill Road, spoke to defend the community forest at the high school, which was an offset of wetlands because of what they were doing at Baker Field. It was required by the DEP that the Town had an offset, and he said it was rushed through. He said there are 30 or 40 mature trees at the high school under the existing DEP proposal. The DEP told the prior administration that they could substitute and find a different one. They found one in a one-day walk through, and the only one that was satisfactory was the one at the high school. He said that if they act swiftly, they could substitute with no penalties in delay and no penalties to the proposal they submitted. He urged everyone to not take the trees at the high school. This is a much better solution for the town. There are other wetlands in town that need to be fixed, but there is no money for it.

Acting 1st Selectman Bayne thanked Mr. Steeger for his report.

NEW BUSINESS

- a) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectman to Execute an Emergency Management Planning Grant Agreement with the Connecticut Department of Public Health

Mr. Kilduff said the grant funding is available to aid in government emergency response through the Department of Health. The grant amount is \$36,478.

**** MR. NIELSEN MOVED TO APPROVE THE RESOLUTION AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO EXECUTE AN EMERGENCY MANAGEMENT PLANNING GRANT AGREEMENT WITH THE CONNECTICUT DEPARTMENT OF PUBLIC HEALTH**

WHEREAS, the State of Connecticut Department of Public Health provides grant funding to support public health preparedness in the event of an emergency; and

WHEREAS, the Town of Darien has applied for and been awarded a grant of \$36,478 for this purpose; and

WHEREAS, the Board of Selectmen wishes to secure such grant funding;

NOW, THEREFORE, BE IT RESOLVED that the Darien Board of Selectmen hereby authorizes and directs David M. Campbell, First Selectman to execute a grant agreement with the State of Connecticut Department of Public Health;

BE IT FURTHER RESOLVED that David M. Campbell, First Selectman is authorized to make, execute and approve on behalf of the Town of Darien, any and all contracts or amendments thereof with the State of Connecticut Department of Public Health related to the Public Health Preparedness grant (Contract Log #2010-1014).

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b) Discuss and Take Action on Updated Town Facility Rental Fee Schedule

Mr. Kilduff said that the last update to the fee schedule was in 1997. The newest addition to the schedule is the Senior Center.

Effective Jan 1, 2010, the hourly rental rates are

	<u>Hourly Rental Rate</u>	<u>Hourly Heat Rate</u>	<u>Hourly AC Rate</u>
Auditorium	\$30.00	\$12.00	\$7.69
Gymnasium	\$25.00	\$10.00	n/a
Public meeting room	\$17.00	\$ 6.00	\$2.37
Conference room	\$13.00	\$ 5.00	\$2.37
Senior Center	\$10.00	\$27.50	\$7.69

Effective July 1, 2010, the hourly rental rates are

	<u>Hourly Rental Rate</u>	<u>Hourly Heat Rate</u>	<u>Hourly AC Rate</u>
Auditorium	\$39.00	\$12.00	\$7.69
Gymnasium	\$35.00	\$10.00	n/a
Public meeting room	\$25.00	\$ 6.00	\$2.37
Conference room	\$13.00	\$ 5.00	\$2.37
Senior Center	\$15.00	\$27.50	\$7.69

Mr. Nielsen asked how they came up with the changes. Mr. Kilduff said they looked at the Board of Education changes. He said the Darien Arts Council is paying to use the Senior Center 6 days a week.

Mr. Bayne asked if the fees for weekend use are increased. Mr. Kilduff said it depends on the nature of the activity. He said they have to tighten up the user agreement.

**** MS. STEVENSON MOVED TO APPROVE THAT THE DARIEN BOARD OF SELECTMEN ADOPT THE SCHEDULE FOR FEES LEVIED TO USE SELECTED MUNICIPAL FACILITIES.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c) Discuss and Take Action on Board of Selectmen Priorities for 2010

Acting 1st Selectmen Bayne and the Board of Selectmen discussed further changes to the Board of Selectmen Priorities for 2010, and deferred action on this item until next Monday's meeting.

d) Discuss Policy of Selectmen Reporting to the Full Board of Selectmen

The Board of Selectmen discussed the policy of reporting to the full Board of Selectmen, and deferred action on this item until next Monday's meeting.

e) Transfers

Public Works

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
30445154-0074907	Scalehouse	\$4,470
	TOTAL	\$4,470

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
20441014-905906	Gorham's Pond Gates	\$4,470
	TOTAL	\$4,470

**** MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$4,470 FROM SCALEHOUSE TO GORHAM'S POND GATES.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

1st SELECTMAN'S REPORT

There was no 1st Selectman's Report.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff said they are in budget preparation mode as the budget season approaches. The next step is for the Board of Selectmen's budget season schedule to be completed.

AGENDA REVIEW

Ms. Sullivan asked that they discuss 35 Leroy Avenue next week. Ms. Stevenson said she would like to discuss the possible move of the Board of Ed to 35 Leroy Avenue as a potential use option. It was suggested that the Board of Education members attend a Board of Selectmen meeting.

APPOINTMENTS/REAPPOINTMENTS

- a) Appointment of Board of Selectmen Representative to Weed Beach Building Committee – David Bayne
- b) Appointment of Board of Selectmen Representative to Police Department Building Committee – Gerald Nielsen
- c) Appointment of Board of Selectmen Liaison to Human Services Planning Council – Jayme Stevenson
- d) Appointment of Board of Selectmen Representative to Council on Aging – Callie Sullivan

**** MR. NIELSEN MOVED TO ADD THE APPOINTMENT OF BOARD OF SELECTMEN REPRESENTATIVE TO COUNCIL ON AGING.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MS. STEVENSON MOVED TO APPROVE THE APPOINTMENTS/
REAPPOINTMENTS OF THE DARIEN BOARD OF SELECTMEN
REPRESENTATIVES TO THE ABOVE LISTED COMMITTEES.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of November 16, 2009

The changes to the meeting of November 16, 2009 are as follows:

On page 5, last paragraph, last sentence, change “Explore more ways to partner with the Board of Education for building costs.” To “Explore more ways to partner with the Board of Education for sharing costs.”

On page 7, under ADMINISTRATIVE OFFICER’S REPORT, 3rd paragraph, 1st and 2nd sentences, change “STEEP” to “STEAP”.

**** MR. NIELSEN MOVED TO APPROVE THE MINUTES OF NOVEMBER 16,
2009 AS AMENDED.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Regular Meeting of November 23, 2009

The changes to the meeting of November 23, 2009 are as follows:

On page 1, under PUBLIC COMMENT, the 3rd sentence should read: “At the request of 1st Selectmen Campbell, Ms. Schwartz, Ms. Raymond, Mr. Nielsen and Ms. Stevenson went to see the New Canaan Housing Authority last week to see how they operate and what they do.”

**** MS. STEVENSON MOVED TO APPROVE THE MINUTES OF NOVEMBER
23, 2009 AS AMENDED.**

**** MR. NEILSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

December 14, 2009 Board of Selectmen Regular Meeting at 8:00 p.m.
December 15, 2009 Board of Finance Regular Meeting at 7:30 p.m.
December 16, 2009 Parks & Recreation Commission Regular Meeting at 7:30 p.m.

OTHER BUSINESS

(Any items added to the agenda require a two-thirds vote)

ADJOURNMENT

**** MS. SULLIVAN MOVED TO ADJOURN.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9.30 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services